

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DOLORES LOZANO,

Plaintiff,

VS.

BAYLOR UNIVERSITY; ART BRILES,
In his individual capacity;
IAN MCCAWE, in his individual capacity;
and CITY OF WACO,

Defendants.

6:16-CV-403-RP

DEFENDANT ART BRILES' STATEMENT OF DEFENSES

Plaintiff Dolores Lozano sued Defendant Art Briles, former head coach of the Baylor University football team, alleging that she received injuries during arguments with her college boyfriend, a player on the football team, while she was a student at Baylor University in the spring of 2014. The first alleged assault occurred at her boyfriend's off-campus apartment. The day after the alleged assault, she left for a Spring Break trip with other members of the Baylor football team. She alleges she was later assaulted by the same boyfriend in the parking lot of a local, off-campus bar. Coach Briles was not present for either alleged assault, and his only connection to the case is that he was the head coach of the Baylor football team at the time. Ms. Lozano did not report the alleged assaults to Coach Briles at any time. Coach Briles did not conceal any relevant information about the player as to Ms. Lozano and was not involved in the conduct of their personal affairs. Of her own accord, Ms. Lozano resumed her relationship with the player, who she alleges assaulted her again in his off-campus apartment by pushing her down during an argument.. Ms. Lozano graduated from Baylor shortly after the final incident, and since January 2023 has been a Justice of the Peace in Harris County. There is no basis for any

negligence claims as to Coach Briles under these circumstances, nor can there be any showing that any acts or omissions by Coach Briles proximately caused the injuries to Ms. Lozano. Moreover, she is precluded from pursuing any claims for the damages because she brought suit well after the expiration of the two-year statute of limitations.

Respectfully submitted,

/s/ Colin L. Powell

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**ATTORNEYS FOR DEFENDANT
ART BRILES**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this document is being served pursuant to the Federal Rules of Civil Procedure on September 15, 2023.

/s/ Colin L. Powell

COLIN L. POWELL